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6 IN THE UNITED STATES DISTRICT COURT  
7 FOR THE DISTRICT OF ARIZONA

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9 Lee Es Burgeles, ) No. CV-08-0680-PHX-LOA  
10 Plaintiff, )  
11 vs. ) **ORDER**  
12 Janet Napolitano, et al., )  
13 Defendants. )  
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15 The matter arises on Plaintiff's Motion for Refund of Civil Filing Fee.  
16 (docket #11) This *pro se* Plaintiff commenced this action on April 8, 2008 and paid the  
17 \$350.00 filing fee. After Plaintiff's repeated failures to comply with Court orders and in  
18 view of the lack of federal jurisdiction over Plaintiff's case, on May 22, 2008, the Court  
19 dismissed this matter without prejudice and entered Judgment. (dockets ## 9, 10) Before  
20 dismissing Plaintiff's case, the Court gave Plaintiff several opportunities to show cause  
21 why his case should not be dismissed and warned Plaintiff that failure to comply with the  
22 Court's orders could result in dismissal of his case. (docket # 4, 6, 7) Despite the Court's  
23 warnings, Plaintiff failed to comply with the Court's orders.

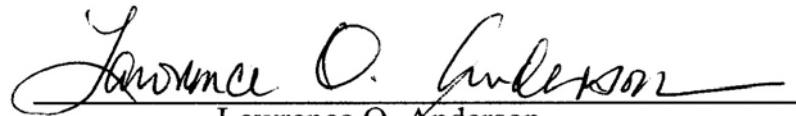
24 Plaintiff now seeks a refund of the filing fee. Plaintiff's motion merely  
25 states "the United States District Court did not proceed after Lee Burgeles filed with  
26 payment that Lee Burgeles request to the court for refund of the civil filing fee \$350.00 . .  
27 . ." Plaintiff has not provided, or has this Court's independent research discovered, any  
28 legal authority in support of his request. Moreover, contrary to Plaintiff's assertion, the

1 Court did "proceed" after Plaintiff paid the filing fee. Assuming *arguendo* this Court has  
2 the inherent authority to order a filing fee refund, good cause does not exist to do so and,  
3 therefore, this Court would not exercise its authority to order a refund. The Court will  
4 deny Plaintiff's motion.

5 Accordingly,

6 **IT IS HEREBY ORDERED** that Plaintiff's Motion for Refund of Filing  
7 Fee, docket # 11, is **DENIED**.

8 DATED this 13<sup>th</sup> day of August, 2008.

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11 Lawrence O. Anderson  
United States Magistrate Judge

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